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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Confirmation No. 3378

Mitsuaki OSHIMA et al.

Docket No. 2000 1420

Serial No. 09/686,467

Group Art Unit 2634

Filed October 12, 2000

Examiner A. Le

COMMUNICATION SYSTEM

RESPONSE UNDER 37. CFR 1.116 EXPEDITED PROCEDURE

EXAMINING GROUP 2034

RESPONSE

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED TO CHARGE ANY DEFICIENCY IN THE FEES FOR THIS PAPER TO DEPOSIT ACCOUNT NO. 23-0975

Sir:

In the outstanding Office Action, claims 38-41 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 16 of U.S. Patent No. 5,555,275. It is submitted that this rejection is overcome for the following reasons.

Patentee has filed a Disclaimer under 37 C.F.R. 1.321(a) in U.S. Patent 5,555,275 disclaiming claim 16 of said patent. A copy of the Disclaimer filed in U.S. Patent 5,555,275 is attached for the Examiner's consideration. Thus, it is submitted that the obviousness-type double patenting rejection over claim 16 of U.S. Patent No. 5,555,275 has been overcome.

In item 3 on page 2 of the Office Action, the Examiner indicated that claims 38-41 would be allowable if the double patenting rejection is overcome. In view of the above comments, it is submitted that the double patenting rejection has been overcome. Therefore, claims 38-41 should now be allowed.

The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

Mitsuaki OSHIMA et al.

affrey R Filmel

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